

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**Arbitration Case No. 14 of 2005
Date of Decision: 12.03.2007**

**Punjab State Industrial Development
Corporation Limited.**

**.....Petitioner through
Mr. Sanjeev Trikha,
Advocate**

versus

Avtar Singh

.....Respondent

**CORAM: HON'BLE MR. JUSTICE VIJENDER JAIN,
CHIEF JUSTICE**

Vijender Jain, Chief Justice (Oral)

This is a petition filed by the petitioner for appointment of an Arbitrator by the respondent in terms of Arbitration Clause.

Clause 29 of the agreement contains the Arbitration Clause which reads as under:-

All differences and dispute between the parties hereto on any clause or matter herein contained or their respective rights, claims or liabilities hereunder or otherwise, howsoever, in relation to or arising out of this agreement shall be referred to arbitration by two

Arbitrators (one to be appointed by each party) who shall, before proceeding with the reference, appoint an Umpire and such arbitration shall be governed by the Indian Arbitration Act, 1940 or any modification or re-enactment thereof for the time being in force”.

Pursuant to the arbitration clause, both the parties were to supply the vacancies of the Arbitrators (one to be appointed by each party). . On 13.9.2001, petitioner had appointed an Arbitrator, namely, Satish Chandra, IAS, Secretary to Govt. Punjab, who was Commissioner of Jalandhar Division at that time. However, inspite of many letters, respondent failed to supply the vacancy in terms of the arbitration clause. Having left with no other remedy, the petitioner filed this petition under Section 11 of the Arbitration and Conciliation Act, 1996 in this Court.

On 10.2.2006, in Civil Misc. Application No. 2374 of 2006, the petitioner, inter-alia, requested for effecting service on the respondent by substituted means. That application was allowed. The petitioner was permitted to take out notice for substituted service upon the respondent by publication in ' Indian Express' and 'Dainik Bhaskar'. Learned counsel appearing for the petitioner has contended that in terms of the order passed by this Court, publication has been done in ' Indian Express' and 'Dainik Bhaskar'. Copies of the newspapers have been placed on the record of this petition. Despite substituted service, no body appeared on behalf of the respondent.

As the respondent has failed to appear, despite the substituted service, I appoint Mr. Justice P.K.Palli, a retired Judge of Himachal Pradesh High Court as sole Arbitrator in the vacancy to be supplied by the respondent. The Arbitrator shall fix his own fee.

The petition stands disposed of.

Intimation regarding appointment of as an Arbitrator in this petition be sent to Hon'ble Mr. Justice P.K.Palli, a retired Judge of Himachal Pradesh High Court forthwith.

Parties are directed to appear before the Arbitrator on 05.04.2007 at 4.00 P.M.

(VIJENDER JAIN)
CHIEF JUSTICE

12.03.2007.

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